

Department of Planning and Budget

2023 Fiscal Impact Statement

1. Bill Number: SB1034

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: McPike

3. Committee: General Laws and Technology

4. Title: Causing a telephone, digital pager, or other device to alert with intent to annoy; communications.

5. Summary: Modernizes the harassing phone call statute to include any communications that may ring or otherwise signal or alert. Under current law, only telephones and digital pagers are included within the ambit of the statute.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Preliminary (see Item 8).

8. Fiscal Implications: The bill amends the legislation to include any communications that may ring or otherwise signal or alert. Under current law, only telephones and digital pagers are included within the ambit of the statute. Currently, violation of the statute is a Class 3 misdemeanor is punishable by a fine of up to \$500. A second or subsequent violation of this section is punishable as a Class 2 misdemeanor which results in a sentence of up to six months in jail and a fine of up to \$1,000, either or both. Additionally, under the provisions of the bill, any communication with the intent to annoy, harass, hinder, or delay emergency personnel in the performance of their duties by causing a telephone or any other device which is owned or leased for the purpose of receiving communications by a public or private entity providing fire, police, or emergency medical services is punishable as a Class 1 misdemeanor. Anyone convicted of a Class 1 misdemeanor is subject to a sentence of up to 12 months in jail and a fine of not more than \$2,500, either or both.

All revenue collected from such fines is deposited into the Literary Fund. However, it is not possible to estimate either the number of convictions that may result or the amount of each fine that may be assessed under this legislation. Therefore, the impact of this bill cannot be determined.

There is not enough information available to reliably estimate the increase in jail population as a result of this proposal. However, any increase in jail population will increase costs to the state. The Commonwealth currently pays the localities \$4.00 a day for each misdemeanant or otherwise local-responsible prisoner held in a jail. It also funds a large

portion of the jails' operating costs, e.g. correctional officers. The state's share of these costs varies from locality to locality. However, according to the Compensation Board's most recent Jail Cost Report (November 2022), the estimated total state support for local jails averaged \$40.39 per inmate, per day in FY 2021.

9. Specific Agency or Political Subdivisions Affected: Local and regional jails.

10. Technical Amendment Necessary: No.

11. Other Comments: None.